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NON-GOVERNMENTAL ORGANIZATIONS

Letter dated 4 March 1991 addressed to the Secretary-General by the Permanent Representative of Cuba to the United Nations

As you know, during the latest session of the Committee on Non-Governmental Organizations, held from 21 January to 1 February 1991, it was decided to defer consideration of the application of Human Rights Watch for consultative status to 1993.

Both at the time of the Committee's session and subsequently, Human Rights Watch and its representative, Mr. Kenneth Roth, assumed a defiant and disrespectful attitude with regard to the very well-founded decision of the Committee. Thus, not only did they make bold to threaten the Committee and its members with discredit in the columns of the United States newspaper, The New York Times, they also took it upon themselves to spread false information and distorted interpretations concerning the Committee's work, which, to our surprise, echoed in that newspaper.

Inasmuch as the Cuban delegation has been one of the targets of these lies and the attitude adopted by Human Rights Watch amounts to an unprecedented attempt to manipulate the United Nations and an insult and display of contempt for it by a non-governmental organization which purports to work in accordance with the aims and principles that guide the work of the United Nations, I should be grateful if you would have this letter and its annex circulated as official documents of the Economic and Social Council under item 3, "Non-Governmental Organizations".

(Signed) Ricardo ALARCON de QUESADA
Ambassador
Permanent Representative of Cuba
to the United Nations

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* E/1991/30.

READEX

ANNEX

The newspaper The New York Times recently made a number of references to the work of the Cuban Mission to the United Nations, particularly in respect of the Committee on Non-Governmental Organizations and the application for consultative status submitted by Human Rights Watch.

First there was a news item published on 3 February under the byline of the journalist Paul Lewis, on page L 11 of the International Section. Later an editorial appeared on page A 24 of the issue of 7 February 1991.

As early as Wednesday, 30 January 1991, the representative of Human Rights Watch appearing before the United Nations Committee on Non-Governmental Organizations, Mr. Kenneth Roth, took it upon himself to inform the representatives of countries which were members of the Committee as well as some who were acting as observers that it would be "advisable" for each of us to agree to consultative status for his group because The New York Times would attack in its columns all those who opposed Human Rights Watch in the Committee.

This disrespectful behaviour towards the States members of the Committee, all the States Members of the United Nations and the United Nations itself was reminiscent of practices that are widespread in gangster organizations - practices which within the context of an alleged "New Order" take on a dire meaning.

When the Cuban representative on the Committee, Mr. Amado Soto García, heard these remarks from Mr. Roth at a personal, informal meeting, he warned Mr. Roth of the gravity of his aarrogance and chose not to attribute any greater importance to it, in the belief that it was due to the immature and excitable way in which the representative of Human Rights Watch conducted himself, arrogating to himself some special power over The New York Times.

Although, when the journalist, Mr. Lewis, published his article on 3 February 1991, we realized that the information was incorrect and manipulative, we attributed this to the fact that he had used only one source, and an interested party moreover. The article misinformed the readers of The New York Times, but did not compromise the newspaper itself.

However, the terms of the editorial of 7 February 1991, characterized by insolent, coarse language that is hardly in keeping with the objectivity that befits press media reputed to be serious and objective, lead us to believe that Mr. Roth's inaccurate versions have penetrated right to the editorial board of the newspaper.

It must be made clear, first of all, that the Cuban representative, Mr. Soto García, did not make any reference - nor does Cuba in any way have any kind of reservation of prejudice - concerning the ethnic, racial or religious composition of Human Rights Watch.

It should be pointed out that decisions of the United Nations Committee on Non-Governmental Organizations are not taken unanimously, as stated in the 7 February 1991 issue of The New York Times, but by consensus, based on the principles of the Charter of the United Nations and the rules laid down in resolution 1296 (XLIV) of the Economic and Social Council. This resolution gives the Committee a strictly technical mandate, requiring it to make a careful study of the documentation and work of each non-governmental organizations before taking a decision.

At the Committee session in question, there were 35 new non-governmental organizations applying for various categories of status, 31 of which were recommended to the Economic and Social Council.

Human Rights Watch was one of the four organizations not recommended; its application was not, however, "rejected", as The New York Times states, but rather "deferred" until the 1993 session when the Committee will meet again, with the proviso - also proposed by Cuba - that it will then be given priority.

For those who do not know - as appears to be the case of Mr. Roth, Human Rights Watch and The New York Times - in the work of the Committee there is an important difference between "reject" and "defer" and between "defer" and "defer for consideration at the next session as a matter of priority".

During the consideration of the application of Human Rights Watch, a careful study of the documentation submitted and of the work done by that organization gave rise to several doubts.

For example, Human Rights Watch presented itself as an "umbrella" of six other organizations: The Fund for Free Expression, Helsinki Watch, Americas Watch, Africa Watch, Asia Watch and Middle East Watch. However, in the register or legal certificate of incorporation of Human Rights Watch, drawn up in accordance with the laws of the State of New York, no mention at all is made of its status as an "umbrella" organization of other groups or of any of the other six organizations which it claims to represent.

Moreover, it can be demonstrated that the Fund for Free Expression and Helsinki Watch each deposited their certificates of incorporation separately, and that in neither case was any mention made of Human Rights Watch or of any other group which represented them.

The representative of Human Rights Watch was, moreover, unable to explain convincingly why Human Rights Watch did not have its own budget or why Human Rights Watch submitted as its own a budget which was in fact, and legally, that of the Fund for Free Expression.

In this budget which Human Rights Watch submitted as its own and which amounts to more than $4 million, it is not clear why more than 50 per cent of the expenses are allocated to salaries for the 50 employees of the organization or why this item of expenditure increased by 25 per cent between 1989 and 1990, when during the same period its budget increased by barely 5 per cent.

Human Rights Watch states in its documents that it has no "constitution", that is to say members - a statement which was reiterated and confirmed by Mr. Roth before the Committee - but rather full-time employees, including the monitors whom it uses, and that the Board or Executive Committee elects itself and is accountable only to itself.

From the explanations given by Mr. Roth in that connection, some members of the Committee felt that such procedures were not compatible with those followed by the non-governmental organizations with which we usually work and that such methods resemble rather those of an enterprise dealing with human rights as a business.

During the course of the discussions, Mr. Roth also failed to explain convincingly how the employees of Human Rights Watch were selected, nor was he clear in his explanation of how it obtained the information which it subsequently published or of the parameters for determining the objectivity of that information or of its employees.

He agreed, moreover, that the reports of Human Rights Watch and its affiliated organizations on the countries which they studied were not transmitted in advance to the Governments concerned, and he acknowledged a lack of objectivity in many of the reports which it produced, circulated in many international forums and published. Several diplomatic representatives drew attention in the Committee to errors of that nature in the work of Human Rights Watch which were acknowledged by Mr. Roth in his statements to the Committee.

Contrary to what was stated in the aforementioned issues of The New York Times, the representative of Cuba at no time referred to the internal situation and the trials taking place in China or in any other country. This represents another misinterpretation by Mr. Roth, not to say an account circulated in bad faith to conceal the substance of our statements.

What Mr. Soto, the Cuban representative, said was that a so-called defence of human rights could in no way be used as a pretext to interfere in the internal affairs of other States or to treat Governments and officials of those Governments, which were, in turn, Members of the United Nations, with disrespect.

It was in that sense, and in no other, that the Cuban representative referred to China and other countries which Human Rights Watch included in the category which it has invented of "superficial democracies", among which it includes the Latin American republics where in recent years military regimes have been replaced and many other countries which are Members of the United Nations.

In informal conversations, which are customary in the work of the Committee on Non-Governmental Organizations, Mr. Roth affirmed that, unlike other organizations working in the field of human rights, his organization, Human Rights Watch, had a "political mandate", granted by itself, which to our way of thinking runs counter to the impartiality with which such organizations should carry out their work.

In his statements to the journalist, Mr. Lewis, published on 3 February 1991, Mr. Roth implicitly acknowledged this situation when he referred to the fact that

his organization had thought that, with the changes that had taken place in the international climate, Human Rights Watch might be able to obtain consultative status, and he concluded by stating that it had been "premature" for them to think so.

The world has, indeed, changed, but neither the Charter nor the principles of the United Nations nor the provisions of resolution 1296 (XLIV) have changed.

Neither the Committee on Non-Governmental Organizations nor the United Nations itself is organized in "factions" or "gangs", but in regional groups of countries which select from within their number the members of Committees and Working Groups of the United Nations in proportion to the size of the group and in a geographically balanced manner, with the exception of the group of permanent members of the Security Council. To refer to members of the United Nations in the terms used in The New York Times is, in our opinion, petty, disrespectful and vindictive.

Moreover, Cuba did not lead any group of countries in the work of the Committee. Like all the other countries, it merely took its own position on its own account, by a sovereign decision and in the light of the principles governing the Charter of the United Nations and the specific mandate granted under resolution 1296 (XLIV).

If Human Rights Watch was not granted consultative status or placed on the roster of the United Nations Committee on Non-Governmental Organizations, it was not for political or religious reasons, as Mr. Roth states, but for strictly technical reasons relating to the internal structure of Human Rights Watch and the way in which it carries out its work, which is in violation of the principles of the Charter of the United Nations and four articles of resolution 1296 (XLIV) which governs relationships with non-governmental organizations.

It should be noted that there were some representatives of countries which are members of the Committee who expressed themselves in favour of including Human Rights Watch on the roster, on the special condition, not provided for in resolution 1296 (XLIV), that within two years Human Rights Watch should submit another report and undergo a further analysis on the basis of which the Committee would confirm whether or not Human Rights Watch could be granted consultative status, stay on the roster or remain unlisted.

This proposal, in essence, recognized the objections expressed with regard to Human Rights Watch during the deliberations and in fact consisted merely in allowing it a grace period; it did not, however, succeed because it was in violation of the Committee's own rules, established in resolution 1296 (XLIV), which was adopted by the international community and which we are all obliged to defend.

Mr. Roth may distort some facts and conceal others, he may misinterpret intentionally or unintentionally, he may confuse and influence others intentionally or unintentionally, but the truth will remain the truth.

The statements which were made by Mr. Roth, as representative of Human Rights Watch, and published by The New York Times on 3 February 1991 only serve to show that in the best of cases he did not understand anything of what was discussed and decided at the latest session of the United Nations Committee on Non-Governmental Organizations.

It is also clear that pressure, threats, revanchism, arrogance, blackmail and, to view it in a favourable light, lack of understanding of the facts in no way help either Human Rights Watch or Mr. Roth.